

#9

Applicant(s): Ralph et al.  
Serial No.: 09/975,471  
Filed: 10/11/2001  
For: Intervertebral Spacer Device  
Utilizing a Spirally Slotted  
Belleville Washer Having  
Radially Spaced Concentric  
Grooves

Examiner: Pellegrino, B.  
Art Unit: 3738  
Docket No.: F-209  
Dated: 12/24/2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 CFR §1.321(c)**

Sir:

The disclaimant, SpineCore, Inc., is the Assignee of record in the subject application, and hereby verifies that it is the sole owner of all rights, title, and interest in the above-identified application in the United States by virtue of an assignment from the previous Assignee, Third Millennium Engineering, LLC, a copy of which assignment is provided herewith, which was the previous assignee by virtue of an assignment from SpineCore, LLC, which assignment was recorded in the USPTO on 4/29/2002 on Reel/Frame 012850/0992, which was the next previous assignee by virtue of assignments from the inventors of record, James D. Ralph and Stephen Tatar, which assignments were recorded in the USPTO on 10/11/2001 on Reel/Frame 012258/0034.

The disclaimant hereby disclaims the terminal part of any United States patent granted on the above-identified United States Patent Application 09/975,471 which would extend beyond the expiration date of the full statutory term of any patent granted on United States Patent Application 09/974,154 entitled, "Intervertebral Spacer Device Utilizing a Belleville Washer Having Radially Spaced Concentric Grooves", which was invented by the

**Applicant(s):** Ralph et al.  
**Serial No.:** 09/975,471  
**Filed:** 10/11/2001  
**For:** Intervertebral Spacer Device  
Utilizing a Spirally Slotted  
Belleville Washer Having  
Radially Spaced Concentric  
Grooves

**Examiner:** Pellegrino, B.  
**Art Unit:** 3738  
**Docket No.:** F-209  
**Dated:** 12/24/2003

same inventors, and has always been commonly owned by the same entity, as the present invention.

Disclaimant further agrees that any United States Patent which may issue from United States Patent Application 09/975,471, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on United States Patent Application 09/974,154, and to be binding upon the grantees, their successors, assigns, and licensees.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified United States Patent Application 09/975,471 which is prior to the expiration of the full statutory term of any patent granted on United States Patent Application 09/974,154 in the event that it should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any disclaimer, except for the separation of legal title stated above.

I, Joseph P. Errico, represent that I am the principal attorney of record in United States Patent Application 09/975,471 and for United States Patent Application 09/974,154, and am authorized to execute this disclaimer on behalf of the entirety of the inventive entity. I further declare that the inventorship and ownership as represented herein is, to the best of my knowledge, accurate.

**Applicant(s):** Ralph et al.  
**Serial No.:** 09/975,471  
**Filed:** 10/11/2001  
**For:** Intervertebral Spacer Device  
Utilizing a Spirally Slotted  
Belleville Washer Having  
Radially Spaced Concentric  
Grooves

**Examiner:** Pellegrino, B.  
**Art Unit:** 3738  
**Docket No.:** F-209  
**Dated:** 12/24/2003

I hereby declare that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is hereby granted to charge the fee for this Terminal Disclaimer of \$55 (small entity fee, Applicant claims small entity status) and any deficiency in this fee from Deposit Account No. 50-2615 (SpineCore).

Respectfully submitted,



Joseph P. Errico  
Reg. No. 38,131

Joseph P. Errico, Esq.  
SpineCore, Inc. (Customer #36402)  
475 Springfield Avenue 4<sup>th</sup> Floor  
Summit, NJ 07901  
(908) 273-6461  
(908) 273-6136

Attachment A (Short Form Assignment and Assumption Agreement)  
Page 1

**ASSIGNMENT AND ASSUMPTION AGREEMENT**

This Assignment and Assumption Agreement (the "Agreement") is effective January 21, 2003 (the "Effective Date") and is among Third Millennium Engineering, LLC., a Delaware limited liability company of Summit, New Jersey ("Millennium"), Third Millennium Enterprises, LLC ("Enterprises") and SpineCore, Inc., a Delaware corporation of Summit New Jersey (the "Company").


Millennium or Enterprises owns or controls certain inventions which are embodied by or encompassed in certain issued patents and pending patent applications, as identified in attached Schedule (collectively, the "Inventions").

For good and sufficient consideration, Millennium and Enterprises hereby irrevocably sells and assigns to the Company, and the Company hereby assumes, Millennium's and Enterprises' entire right, title, and interest in the Inventions throughout the world, and in and to all applications for patent and patents for the Inventions, in all countries of the world, including all divisions, reissues, continuations, substitutions and extensions thereof, and all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property, including rights of priority, resulting from the filing of any of said applications.

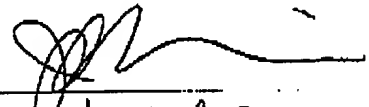
Attachment A (Short Form Assignment and Assumption Agreement)  
Page 2

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date set forth above.

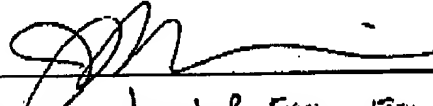
Third Millennium Engineering, LLC

  
By: Joseph P. Errico, Esq.  
Title: Manager  
Date: 1/21/03

SpineCore, Inc.

  
By: Joseph P. Errico, Esq.  
Title: CEO  
Date: 1/21/03

Third Millennium Enterprises, LLC

  
By: Joseph P. Errico, Esq.  
Title: Manager  
Date: 1/21/03

**Attachment A (Short Form Assignment and Assumption Agreement)**  
**Page 3**

**Schedule of Patents and Patent Applications**

<b>Title</b>	<b>Country</b>	<b>Particulars</b>
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint With a Solid Ball and Compression Locking Post	USA	US Application Serial No. 10/256,160  Filed 26-Sep-2002
Artificial Intervertebral Disc Having a Captured Ball and Socket Joint With a Solid Ball and Compression Locking Post	USA	US Application Serial No. 10/294,981  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint With a Compression Locking Post and a Solid Ball Having a Protrusion	USA	US Application Serial No. 10/294,985  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint with a Solid Ball, a Compression Locking Post and an Interference Pin	USA	US Application Serial No. 10/294,986  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint with a Solid Ball, a Compression Locking Post and an Interference Ball Bearing	USA	US Application Serial No. 10/294,989  Filed 14-Nov-2002
Artificial Intervertebral Disc Having a Captured Ball and Socket Joint With a Solid Ball and Retaining Cap	USA	US Application Serial No. 10/294,983  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint With a Solid Ball and Retaining Cap	USA	US Application Serial No. 10/294,982  Filed 14-Nov-2002

## Attachment A (Short Form Assignment and Assumption Agreement)

Page 4

Title	Country	Particulars
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint With a Retaining Cap and a Solid Ball Having a Protrusion	USA	US Application Serial No. 10/294,984  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint with a Solid Ball, a Retaining Cap, and an Interference Pin	USA	US Application Serial No. 10/294,980  Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint with a Solid Ball, a Retaining Cap, and an Interference Ball Bearing	USA	US Application Serial No. 10/294,988  Filed 14-Nov-2002
Intervertebral Spacer Device	USA	United States Patent No. 5,989,291  Issued 23-Nov-1999
Intervertebral Spacer Device Having a Radially Thinning Belleville Spring	USA	US Application Serial No. 09/968,047  Filed 1-Oct-2001
Intervertebral Spacer Device Utilizing a Belleville Washer Having Radially Extending Grooves	USA	US Application Serial No. 09/968,046  Filed 1-Oct-2001
Intervertebral Spacer Device Having a Radially Thinning Slotted Belleville Spring	USA	US Application Serial No. 09/968,045  Filed 1-Oct-2001
Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer Having Radially Extending Grooves	USA	US Application Serial No. 09/970,479  Filed 4-Oct-2001

**Attachment A (Short Form Assignment and Assumption Agreement)**  
**Page 5**

<b>Title</b>	<b>Country</b>	<b>Particulars</b>
Intervertebral Spacer Device Utilizing a Belleville Washer Having Radially Spaced Concentric Grooves	USA	US Application Serial No. 09/974,154  Filed 11-Oct-2001
Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer Having Radially Spaced Concentric Grooves	USA	US Application Serial No. 09/975,471  Filed 11-Oct-2001
Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer and a Rotational Mounting	USA	US Application Serial No. 10/040,801  Filed 7-Jan-2002
Tension Bearing Artificial Disc Providing a Centroid of Motion Centrally Located Within an Intervertebral Space	USA	US Application Serial No. 10/151,280  Filed 20-May-2002
Artificial Intervertebral Disc Utilizing a Ball Joint Coupling	USA	US Application Serial No. 10/175,417  Filed 19-Jun-2002
Artificial Intervertebral Disc Having a Slotted Belleville Washer Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19660  Filed 19-Jun-2002
Artificial Intervertebral Disc Having a Grooved Belleville Washer Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19654  Filed 19-Jun-2002
Artificial Intervertebral Disc Having a Slotted Belleville Washer Force Restoring Element	USA	US Application Serial No. 10/177,013  Filed 21-Jun-2002
Intervertebral Spacer Device Having Arch Shaped Spring Elements	USA	US Application Serial No. 09/982,148



**Attachment A (Short Form Assignment and Assumption Agreement)**  
**Page 6**

<b>Title</b>	<b>Country</b>	<b>Particulars</b>
		Filed 18-Oct-2001
Intervertebral Spacer Device Having a Domed Arch Shaped	USA	US Application Serial No. 10/035,640  Filed 9-Nov-2001
Intervertebral Spacer Device Having a Slotted Domed Arch Strip Spring	USA	US Application Serial No. 10/035,614  Filed 9-Nov-2001
Intervertebral Spacer Device Having a Slotted Partial Circular Domed Arch Strip Spring	USA	US Application Serial No. 10/035,669  Filed 9-Nov-2001
Intervertebral Spacer Device Having a Multi-Pronged Domed Spring	USA	US Application Serial No. 10/035,668  Filed 9-Nov-2001
Artificial Intervertebral Disc Having an Arched Spring Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19656  Filed 19-Jun-2002
Intervertebral Spacer Device Having a Wave Washer Force Restoring Element	USA	US Patent No. 6,468,310  Issued 22-Oct-2002
Intervertebral Spacer Device Having a Spiral Wave Washer Force Restoring Element	USA	US Application Serial No. 09/906,118 (Allowed Claims)  Filed 16-Jul-2001
Artificial Intervertebral Disc Having a Wave Washer Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19659  Filed 19-Jun-2002
Artificial Intervertebral Disc Having a Wave Washer Force Restoring Element	USA	US Application Serial No. 10/177,377  Filed 21-Jun-2002

Attachment A (Short Form Assignment and Assumption Agreement)  
Page 7

Title	Country	Particulars
Intervertebral Spacer Device Having a Wave Washer Force Restoring Element	USA	US Application Serial No. 10/272,580 Filed 16-Oct-2002
Artificial Intervertebral Disc Having a Spider Spring Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19651  Filed 19-Jun-2002
Artificial Intervertebral Disc Having a Spider Spring Force Restoring Element	USA	US Application Serial No. 10/177,378 Filed 21-Jun-2002
Intervertebral Spacer Having a Flexible Wire Mesh Vertebral Body Contact Element	USA	US Application Serial No. 10/128,619 Filed 23-Apr-2002
Artificial Intervertebral Disc Having a Flexible Wire Mesh Vertebral Body Contact Element	USA	US Application Serial No. 10/140,153 Filed 7-May-2002
Artificial Intervertebral Disc Having a Deformable Wire Mesh Vertebral Body Contact Element	PCT	PCT Application Serial No. PCT/US02/19657 Filed 19-Jun-2002
Instrumentation and Methods For Use In Implanting an Artificial Disc	USA	US Application Serial No. 10/282,356 Filed 29-Oct-2002
Method of Surgically Treating Scoliosis	USA	US Patent No. 6,447,548 Issued 10-Sep-2002
Trial Intervertebral Distraction Spacers	USA	US Application Serial No. 09/906,119 Filed 16-Jul-2001

## Attachment A (Short Form Assignment and Assumption Agreement)

Page 8

Title	Country	Particulars
Insertion Tool For Use With Trial Intervertebral Distraction Spacers	USA	US Patent No. 6,428,544 Issued 6-Aug-2002
Insertion Tool For Use With Tapered Trial Intervertebral Distraction Spacers	USA	US Patent No. 6,478,801 Issued 12-Nov-2002
Porous Intervertebral Distraction Spacers	USA	US Patent No. 6,471,725 Issued 29-Oct-2002
Surgical Method of Treating Scoliosis	USA	US Application Serial No. 09/906,124 Filed 16-Jul-2001
Method of Distracting Vertebral Bones	USA	US Patent No. 6,436,102 Issued 20-Aug-2002
Vertebral Bone Distraction Instruments	USA	US Application Serial No. 09/906,126 Filed 16-Jul-2001
Instruments for Reorienting Vertebral Bones for the Treatment of Scoliosis	USA	US Application Serial No. 09/906,134 Filed 16-Jul-2001
Insertion Tool For Use With Intervertebral Spacers	USA	US Application Serial No. 09/906,127 Filed 16-Jul-2001
Insertion Tool For Use With Trial Intervertebral Distraction Spacers	USA	US Application Serial No. 10/115,751 Filed 3-Apr-2002
Method of Distracting Vertebral Bones	USA	US Application Serial No. 10/222,332 Filed 16-Aug-2002
Method of Surgically Treating Scoliosis	USA	US Application Serial No. 10/223,146 Filed 19-Aug-2002

## Attachment A (Short Form Assignment and Assumption Agreement)

Page 9

Title	Country	Particulars
Porous Intervertebral Distraction Spacers	USA	US Application Serial No. 10/223,148 Filed 4-Oct-2002
Insertion Tool For Use With Tapered Trial Intervertebral Distraction Spacers	USA	US Application Serial No. 10/223,147 Filed 19-Aug-2002
Static Trials and Related Instruments and Methods for Use in Implanting an Artificial Intervertebral Disc	USA	US Application Serial No. 10/309,585 Filed 4-Dec-2002
Femoral Ring Loader	USA	US Patent No. 6,440,142 Issued 27-Aug-2002
Distraction Instrument for use in Anterior Cervical Fixation Surgery	USA	US Application Serial No. 10/003,000 Filed 30-Nov-2001
Spacer Device and Insertion Instrument for use in Anterior Cervical Fixation Surgery	USA	US Application Serial No. 10/001,531 Filed 30-Nov-2001
Femoral Ring Loader	USA	US Application Serial No. 10/075,688 Filed 13-Feb-2002